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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) COLORANT FOR FOLIAGE OF HUMIC
Douglas John Hughes) AND/OR FULVIC ACID, AND DYE
Serial No. 10/552,428)
Filed October 7, 2005) Docket No. 282318-00012

REQUEST FOR RELEASING UNDER 37 CFR §1.26(a)

Eclert Seamans Cherin & Mellott, LLC
600 Grant Street, 44th Floor
Pittsburgh, PA 15219-2788
December 7, 2005

**Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Sir-

Applicant's attorney requests a refund in the amount of \$630.00 for half of the \$1,260.00 filing fee which was charged to Eckert Seamans Cherin & Mellot, LLC's American Express Credit Card, as the Applicant is claiming "small entity" status. This refund does not include the \$40.00 fee for recording the Assignment since that fee is a standard charge. Copies of forms PTO-1390 and PTO-2038, as filed, are enclosed for your convenience of reference.

Please issue a credit to the undersigned's American Express Credit Card in the amount of \$630.00 at your earliest convenience, and kindly correct your records to reflect that the applicant has claimed small entity status.

Respectfully submitted,

Arnold B. Silverman
Arnold B. Silverman
Registration No. 22,614
Attorney for Applicant

(412) 566-2077

PAGE 3/7 * RCVD AT 12/7/2005 10:23:17 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/24 * DNI:2736500 * CSID: * DURATION (mm:ss):02:38

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PTO-1390 (Rev. 07-2005)

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TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 282318-00012
INTERNATIONAL APPLICATION NO. PCT/AU2004/000422	INTERNATIONAL FILING DATE 1 April 2004	PRIORITY DATE CLAIMED 30 April 2003
TITLE OF INVENTION COLORANT FOR FOLIAGE OF HUMIC AND/OR FULVIC ACID, AND DYE		
APPLICANT(S) FOR DO/EO/US HUGHES, Douglas John		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include Items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <ol style="list-style-type: none"> <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). <input checked="" type="checkbox"/> has been communicated by the International Bureau. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (DO/US). <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))</p> <ol style="list-style-type: none"> <input type="checkbox"/> is attached hereto. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <ol style="list-style-type: none"> <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). <input type="checkbox"/> have been communicated by the International Bureau. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. <input checked="" type="checkbox"/> have not been made and will not be made. <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p>Items 11 to 20 below concern document(s) or information included:</p> <p>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98</p> <p>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A preliminary amendment.</p> <p>14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter2 and 37 CFR 1.821-1.825.</p> <p>18. <input checked="" type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the International application under 35 U.S.C. 154(d)(4).</p>		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain a benefit by the public, which is to be (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing its burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEEDBACK OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT.

PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0651-0021
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

U.S. APPLICATION NO. (If known, see 37 CFR 1.9)		INTERNATIONAL APPLICATION NO. PCT/AU/2004/000422	ATTORNEY'S DOCKET NUMBER 282318-00012																																																																																																														
<p>20. Other Items or Information:</p> <p>Copy of Request Under Rule 92 bis for the Int'l. Appl.; Copy of Intn'l. Search Report; Credit Card Payment Form; Return Postcard</p>																																																																																																																	
<p>The following fees have been submitted</p> <table border="1"> <tr> <td>21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)).....</td> <td>\$300</td> <td>CALCULATIONS</td> <td>PTO USE ONLY</td> </tr> <tr> <td>22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c))</td> <td></td> <td>\$ 200</td> <td></td> </tr> <tr> <td colspan="2">If the written opinion prepared by ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).</td> <td>\$ 50</td> <td></td> </tr> <tr> <td colspan="2">All other situations.....</td> <td>\$200</td> <td></td> </tr> <tr> <td colspan="2"> <p>23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).</p> <p>Search fee (37 CFR 1.445(a)(2)) has been paid on the International application to the USPTO as an International Searching Authority.....</p> <p>International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.....</p> <p>All other situations.....</p> </td> <td>\$ 400</td> <td></td> </tr> <tr> <td colspan="2">TOTAL OF 21, 22 and 23 =</td> <td>900</td> <td></td> </tr> <tr> <td colspan="5"> <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequences listing in compliance with 37 CFR 1.621(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(f)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. </td> </tr> <tr> <td>Total Sheets</td> <td>Extra Sheets</td> <td>Number of each additional 50 or fraction thereof (round up to a whole number)</td> <td>RATE</td> <td></td> </tr> <tr> <td>- 100 =</td> <td>/50 =</td> <td></td> <td>x \$250</td> <td>\$</td> </tr> <tr> <td colspan="5">Surcharge of \$134.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).</td> </tr> <tr> <td>CLAIMS</td> <td>NUMBER FILED</td> <td>NUMBER EXTRA</td> <td>RATE</td> <td>\$</td> </tr> <tr> <td>Total claims</td> <td>20 - 20 =</td> <td>0</td> <td>x \$50</td> <td>\$ 0-</td> </tr> <tr> <td>Independent claims</td> <td>1 - 3 =</td> <td>0</td> <td>x \$200</td> <td>\$ 0-</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (If applicable)</td> <td>+</td> <td>\$360</td> </tr> <tr> <td colspan="3">TOTAL OF ABOVE CALCULATIONS =</td> <td>\$ 1,260</td> <td></td> </tr> <tr> <td colspan="5"> <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 3%. </td> </tr> <tr> <td colspan="5" style="text-align: right;">SUBTOTAL = \$ 1,260</td> </tr> <tr> <td colspan="5">Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(l)).</td> </tr> <tr> <td colspan="5" style="text-align: right;">TOTAL NATIONAL FEE = \$ 1,260</td> </tr> <tr> <td colspan="5">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property</td> </tr> <tr> <td colspan="5" style="text-align: right;">TOTAL FEES ENCLOSED = \$ 1,300</td> </tr> <tr> <td colspan="3"></td> <td>Amount to be refunded:</td> <td>\$</td> </tr> <tr> <td colspan="3"></td> <td>Amount to be charged</td> <td>\$1,300</td> </tr> </table>					21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)).....	\$300	CALCULATIONS	PTO USE ONLY	22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c))		\$ 200		If the written opinion prepared by ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).		\$ 50		All other situations.....		\$200		<p>23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).</p> <p>Search fee (37 CFR 1.445(a)(2)) has been paid on the International application to the USPTO as an International Searching Authority.....</p> <p>International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.....</p> <p>All other situations.....</p>		\$ 400		TOTAL OF 21, 22 and 23 =		900		<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequences listing in compliance with 37 CFR 1.621(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(f)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		- 100 =	/50 =		x \$250	\$	Surcharge of \$134.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).					CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	Total claims	20 - 20 =	0	x \$50	\$ 0-	Independent claims	1 - 3 =	0	x \$200	\$ 0-	MULTIPLE DEPENDENT CLAIM(S) (If applicable)			+	\$360	TOTAL OF ABOVE CALCULATIONS =			\$ 1,260		<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 3%.					SUBTOTAL = \$ 1,260					Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(l)).					TOTAL NATIONAL FEE = \$ 1,260					Fee for recording the enclosed assignment (37 CFR 1.21(h)). 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NOTE: Where an appropriate time limit under 37 CFR 1.485 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Arnold B. Silverman, Esquire,
Eckert Seamans Cherin & Mellott, LLC
600 Grant Street, 44th Floor
Pittsburgh, PA 15219

Arnold B. Silverman

SIGNATURE

Arnold B. Silverman

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22,614

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